

Appl. No. 09/663,578
Atty. Docket No. 7882X
Amdt. dated July 25, 2003
Reply to Office Action of February 26, 2003
Customer No. 27752

REMARKS

Claims 1-15 and 34 are pending in the present application. No additional claims fee is believed to be due.

Claims 16-31 have been withdrawn.

Claims 32, 33, and 35 are canceled, without prejudice, due to the fact that Claims 32, 33, and 35, while indicated by the Examiner as being part of Group I, are dependent upon withdrawn Group II claims. To expedite prosecution of this case, these claims have been canceled without prejudice.

Claims 1, 8, 9, 12, 13, 14, 15, and 34 have been amended to more specifically characterize the claimed ether-capped poly(oxyalkylated) alcohol of the present invention. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

The Office Action states objections to Claims 8-10 for the following informalities: Claim 8 recites "R" and should be amended to recite "R²". Claims 9-10 depend upon Claim 8.

Applicants have amended Claim 8 to address the Office Action objection.

Rejection Under 35 USC 112, First Paragraph

The Office Action States Claims 9 and 10 are rejected under 35 U.S.C. § 112, first paragraph, for containing heterocycle groups which contain -A=, which are nonenabling when A is either and oxygen or N(R⁸)₁.

Applicants have amended Claim 9, and thereby dependent Claim 10, to address the rejection under 35 U.S.C. § 112, First Paragraph.

Rejection Under 35 USC 112, Second Paragraph

The Office Action States Claims 9 and 10 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9 and 10 contain heterocycle groups which contain -A=, which are nonenabling when A is either and oxygen or N(R⁸)₁.

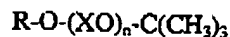
Applicants have amended Claim 20 to address the rejection.

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Rejection Under 35 USC 102 Over GB 2,158,080 A, Hatton, et al, and DE 2,252,186, Beyer et al.

The Office Action States that Claims 1-3, 13-15, and 32-35 are rejected under 35 U.S.C. § 102(b) as being anticipated in view GB 2,158,080 A, ("Hatton"). Specifically that Hatton discloses detergent composition containing alkylbenzyl poly(oxyalkylene) derivatives, specifically Example 4 and Example 5. Applicants submit, that as amended, the claimed invention of the present application contains elements not taught by Hatton. Therefore, Applicants submit Hatton fails to teach each and every element of the claimed invention of the present invention.

The Office Action States that Claims 1-6 and 32-35 are rejected under 35 U.S.C. § 102(b) as being anticipated in view of DE 2,556,544 ("Billenstein"). Specifically that Billenstein discloses a machine dishwashing detergent composition comprising a nonionic surfactant with the following formula I:



wherein R is a branched or linear alkyl group containing 6-22 carbon atoms, X is a C₂-C₃ alkylene group and n is a number between 5-50, specifically Examples 1-3. Applicants submit that the nonionic surfactant of Billenstein is not claimed by the present invention, as amended. Therefore, Applicants submit Billenstein fails to teach each and every element of the claimed invention of the present invention.

Rejection Under 35 USC 103(a) Over GB 2,158,080 A, Hatton, et al.

Claims 1-3, 13-15, and 32-35 have been rejected under 35 USC 103(a) as being unpatentable over Hatton. Applicants respectfully traverse this rejection.

Applicants submit that Claims 32, 33, and 35 have been canceled without prejudice to expedite prosecution, as these claims depend upon withdrawn claims resulting from a restriction requirement. Applicants further submit that the claimed invention of the present application, as amended, is not taught or suggested by Hatton. There is no suggestion or motivation to modify Hatton to arrive at the claimed invention of the present invention, as amended. Therefore, Applicants' content that the claimed invention is unobvious and that the rejection should be withdrawn.

Rejection Under 35 USC 103(a) Over DE 2,556,544, Billenstein, et al.

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Claims 1-6 and 32-35 have been rejected under 35 USC 103(a) as being unpatentable over Billenstein. Applicants respectfully traverse this rejection and submit an English translation of Billenstein for the Examiner's review. Applicants submit that Claims 32, 33, and 35 have been canceled without prejudice to expedite prosecution, as these claims depend upon withdrawn claims resulting from a restriction requirement. Applicants submit that the claimed invention of the present application, as amended, is not taught or suggested by Billenstein. Additionally, Applicants submit that there is no suggestion or motivation to modify Billenstein to arrive at the claimed invention of the present invention, as amended. Therefore, Applicants' content that the claimed invention is unobvious and that the rejection should be withdrawn.

Double Patenting Rejection

The Office Action has rejected Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-15 and 32-35 of copending Application No. 09/660,363.

Applicants submit that if and when patentable subject matter is granted in the present case, a terminal disclaimer for copending Application No. 09/660,363 shall be submitted.

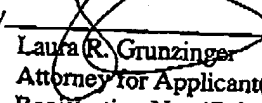
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §§ 112, first and second paragraphs, 102, 103, and the Double Patenting Rejection. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-15 and 34. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

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